

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**AUTOMATIC EQUIPMENT
MANUFACTURING COMPANY, d/b/a
BLUE OX, a Nebraska company,**

Plaintiff/Counter Defendant,

and

**CREED-MONARCH, INC., a Connecticut
Corporation;**

Intervenor/Counter-Defendant

vs.

**DANKO MANUFACTURING, LLC, a
Colorado limited liability company,**

Defendant/Counter Claimant.

8:19CV162

ORDER

This matter is before the Court on Defendant's Motion for Leave to Amend the Scheduling Order ([Filing No. 62](#)) and oral argument held with counsel for the parties on June 28, 2021. For the reasons stated on the record, the Court found good cause to grant Defendant's motion, in part. Accordingly,

IT IS ORDERED that the Defendant's Motion for Leave to Amend the Scheduling Order ([Filing No. 62](#)) is granted in part, and the schedule for the second phase is amended as follows:

1. The deadline for any party with the burden of proof on any issue(s) to serve a designation of expert witness(es) and associated expert reports under Rule 26(a)(2) is extended for all parties though **June 28, 2021**, and for defendant's damages report to **July 15, 2021**.
2. The deadline for the parties to file pretrial disclosures under Rule 26(a)(3) and exchange deposition/interrogatory designations is **June 28, 2021**.
3. The deadline for the parties to exchange counter-designations of depositions/interrogatories is **July 19, 2021**.
4. The deadline for the parties to meet and confer on, and file, annotated transcripts with objections and briefs on unusual objections is **July 26, 2021**.
5. The deadline for the filing of motions in limine, trial briefs, requested jury instructions/verdict forms, requested voir dire, and an agreed final pretrial report, including final witness and exhibit lists with objections, remains **August 2, 2021**.
6. The deadline for the filing of objections to motions in limine, trial briefs, requested jury instructions/verdict forms, and requested voir dire remains **August 16, 2021**.

7. The deadline for the filing of replies to objections to motions in limine, trial briefs, requested jury instructions/verdict forms, and requested voir dire remains **August 23, 2021**.
8. The Pretrial Conference remains scheduled before the undersigned magistrate judge on **August 27, 2021**, at **10:00 a.m.**, and will be conducted in chambers. The parties' proposed Order on Final Pretrial Conference must be emailed to nelson@ned.uscourts.gov, in Word format, by **3:00 p.m.** on **August 23, 2021**. See NECivR. 16.2(a)(2).
9. The deadline for the filing of trial briefs and proposed findings of fact and conclusions of law remains **September 7, 2021**.
10. The jury trial of this case remains set to commence before Brian C. Buescher, United States District Judge, in Courtroom 5, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **9:00 a.m.** on **September 14, 2021**, or as soon thereafter as the case may be called, for a duration of five (5) trial days. This case is subject to the prior trial of other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.

Dated this 28th day of June, 2021.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge